

REMARKS

Claims 1, 2, 5-7, 10 and 11 are rejected; and claims 3, 4 and 8 are withdrawn from consideration as being directed to a non-elected invention. Applicants respectfully disagree with the Examiner's reason for making the Election of Species requirement final. Review and reconsideration on the merits are requested.

In response to the objection to the drawings, the undersigned notes that the dimensions A, B, C, D and E (as described in the specification and as claimed in claim 6) are shown in Fig. 16. Therefore, it is respectfully submitted that corrected drawings are not required, and withdrawal of the objection is respectfully requested.

Claims 1, 5 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 11-130159 (JP '159) in view of JP 2003-002374 (JP '374). JP '159 was cited as disclosing a packaging bag for a microwave oven substantially as claimed, including opening preventive means formed separately from one another on an inner side of a peripheral edge seal part of both sides of each of the branched section *and an opposing section of the packaging pouch body opposing the branched section*. The Examiner relied on JP '374 as disclosing a retortable package bag for a microwave oven having a peripheral edge seal part and a vapor release seal part each having a sealing strength of 2.3 kg/15 mm or more. The reason for rejection was that it would have been obvious to utilize a peripheral edge seal part and vapor release seal part in JP '159 each having a sealing strength of 2.3 kg/15 mm or more as taught by JP '374 in order to provide a sealing bag having a strong bond.

Applicants traverse, and respectfully request the Examiner to reconsider for the following reasons.

As claimed in claim 1, and in reference to Fig. 1, the packaging pouch comprises opening preventive means 7 formed separately from one another on an inner side of a peripheral edge seal part 2 of both sides of each of the branched section 3 and opposing section 6 of the packaging pouch body opposing the branched section. Fig. 8 of JP '159 shows opening preventing means 15 formed separately from one another on an inner side of a peripheral edge seal part of both sides of a branched section 7, but not on an opposing section 9 (see Figs. 1 and 7 of JP '159) of the packaging pouch body opposing the branched section.

Fig. 1 of the Specification

Fig. 1

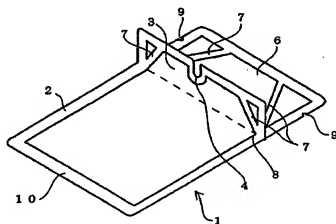


Fig. 1 of JP 11-130159

【図 1】

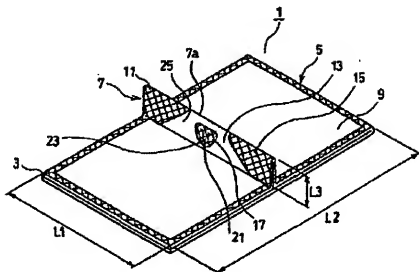
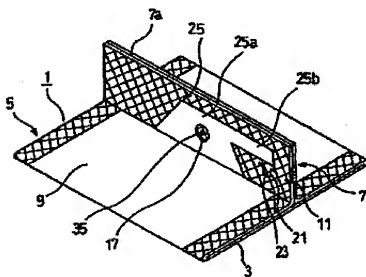


Fig. 7 of JP 11-130159

【図 7】



of the packaging pouch body opposing the branched section), such that the combination of the cited references also could never achieve the inventive packaging pouch. That is, because the cited prior art does not teach or suggest all of the claim limitations, the asserted combination fails to establish a *prima facie* case of obviousness.

The significance of the above-noted limitation of claim 1 which distinguishes the claimed packaging pouch over the prior art structures is clearly shown in Example 1 and Comparative Examples 1 and 2 of the present specification.

In Example 1, a pouch having a branched section as shown in Fig. 1 was prepared, where opening preventive means 7 were provided in each of the branched section 3 and the opposing section 6. In Comparative Example 1, a pouch having a branched section was produced in the same manner as in Example 1, except that the opening preventive means 7 was provided in the branched section 3 alone (as disclosed by JP '159 and JP '374). In Comparative Example 2, a pouch having a branched section was produced in the same manner in Example 1, except that no opening preventive means 7 was provided in the branched section 3 or the opposing section 6. The pouches thus prepared were evaluated with respect to the (number of pouches automatically opened)/(total number of pouches with receding seal part and torn pouches) and state of the peripheral edge seal part, after heating in a microwave oven at a rated power of 500 W or 1500 W, the results of which are set forth in Table 1 at page 17 of the specification.

All the pouches of Example 1 automatically opened in a stable manner. No sealed part receded to the base part of the branched section, and no torn pouches were observed. To the contrary, all of the pouches of Comparative Example 1, each provided with the opening preventive means of the branched section alone, automatically opened under heating in a microwave oven at 500 W, but the open state was not stable and the sealed part partly receded on

the base part of the branched section. Some of the pouches did not automatically open under heating at 1500 W, and all the pouches were torn from the base part of the branched section. The pouches of Comparative Example 2 provided with no opening preventive means did not automatically open under heating in a microwave at 500 W or 1500 W, and all pouches were torn from the base part of the branched section.

Further, as discussed bridging pages 10-11 of the specification, by providing opening preventive means 7 at a total of four positions on an inner side of the periphery edge seal part 2 of each of the branched section 3 and the opposing section 6, peeling of the peripheral edge seal part at the base part 8 of the branched section 3 is prevented.

For the above reasons, it is respectfully submitted that the present claims are patentable over JP '159 in view of JP '374, and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '159 in view of JP '374, further in view of U.S. Patent 6,060,096 to Hanson et al. Hanson was cited as disclosing a vapor release seal part formed continuously with respect to the peripheral edge seal part of the branched section, citing col. 8, lines 11-19.

Applicants rely on the response above with respect to the rejection of claim 1 over JP '159 in view of JP '374. Like JP '159, JP '374, Hanson et al also does not disclose opening preventive means formed separately from one another on an inner side of a peripheral edge seal part of both sides of each of the branched section and opposing section.

Withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '159 in view of JP '374, further in view of JP 2001-106270 (JP '270). JP '270 was cited as disclosing a

packaging pouch satisfying the dimensional relationships as set forth in claim 6, including the dimension A representing an inner length of a short side of a packaging pouch body opposing the branched section and B representing an inner height of the branched section.

JP '270 does not show a branched section. Therefore, it is unclear how the Examiner could conclude that JP '270 satisfies the dimensional relationships recited in claim 6 including dimensions A and B which relate to a branched section.

Applicants rely on the response above with respect to the rejection of claim 1 over JP '159 in view of JP '374. Like JP '159, JP '374 and Hanson et al, JP '270 likewise does not disclose the above-noted characteristic feature of the packaging pouch as claimed in present claim 1. Withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '159 in view of JP '374, further in view of JP 10-230978 (JP '978). The Examiner relied on JP '978 as disclosing a packaging pouch having a pouring port forming means formed at a periphery edge seal part of the body of the packaging pouch opposing the branched section.

As above, Applicants rely on the response above with respect to the rejection claim 1 over JP '159 in view of JP '374. JP '978 also does not disclose the above-noted characteristic feature of claim 1. Withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Withdrawal of all rejections and allowance of claims 1-8, 10 and 11 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Abraham J. Rosner
Registration No. 33,276

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373
CUSTOMER NUMBER

Date: August 19, 2009